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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 UNITED STATES OF AMERICA,

No. CR 15-0416 WHA

11 Plaintiff,

12 v.

**ORDER RE STATEMENTS
IN CO-DEFENDANT'S
PRESENTENCE REPORT**

13 ENZO CESTONI,

14 Defendant.
15 _____/

16 The Court is in receipt of the government's request for an in camera review of Claudio
17 Maciel's draft presentence report. Specifically, the government has identified potential *Brady*
18 material in the draft presentence report — namely statements made by Selena Lennox — and
19 requests an in camera review to determine whether the material should be disclosed to the
20 defense.

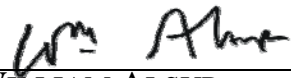
21 After reviewing Maciel's draft presentence report, this order finds that Lennox's
22 statements are *Brady* material. Accordingly, the government and the probation department are
23 hereby **ORDERED** to immediately turn over to the defense all statements — recordings, notes, or
24 any other form they may be in — made by Selena Lennox that are in the government's or
25 probation's possession. The defense may address this potential *Brady* issue in their Rule 33
26 motion, which is due on April 19.

27 The government's motion to seal its letter to the Court dated April 13, 2016, and the
28 draft presentence report for Claudio Maciel is **GRANTED**. The government, however, must

1 provide a copy of the April 13 letter to the defense (but the government does not have to
2 disclose to the defense the entirety of Maciel's draft presentence report — only the statements
3 made by Lennox).

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5 **IT IS SO ORDERED.**

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7 Dated: April 14, 2016.

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10 WILLIAM ALSUP
11 UNITED STATES DISTRICT JUDGE
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